IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 1272 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 14/06/2005 in WVMP 944 OF 2005 IN WPMP 25413 OF 2004 IN WP NO : 19385 OF 2004 on the file of the High Court.)

Between:

T.Devender Reddy, S/o Gopal Reddy, Ex.M.D.,
M/s.Samrat Spinners Limited, r/o Banjara Hills, Hyderabad.

..... APPELLANT

AND

1 The Authorised Officer, SAO, O/o the Assistant Provident Fund

Commissioner, Patancheruvu, Medak District.
2 The Assistant Provident Fund Commissioner, SAO, Patancheruvu, Medak

District.
3 M/s.Samrat Spinners Limited, Sebhashpally, Via Medchal, Medak District.

.....RESPONDENTS

Counsel for the Appellant:MR.S.LAKSHMA REDDY

Counsel for the Respondents : MR.R.N.REDDY

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

The appellant had filed the writ petition against an order passed under Section 8-B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act'). The learned Single Judge found that there were arrears of Rs.93,41,281/- from the Company named as 'M/s.Samrat Spinners Limited', till May 2001. Admittedly, the appellant was Managing Director of the Company till November 2001. The contention of the appellant was that since he was not at present associated with the Company, therefore liability could not be fixed on him. The learned Single Judge was of the view that there were questions, which were arguable, therefore in order to protect the interests of both the parties, he stayed the operation of order passed under Section 8-B of the Act on the condition that the appellant should deposit an amount of Rs.7,50,000/-, which is almost 8 per cent of the total liability.

We do not find there is anything wrong in the order passed by the learned Single Judge. It is also contended by learned counsel for the respondents, which is not disputed by the counsel for the appellant that the arrangement made by the learned Single Judge was almost by consent of learned counsel for the parties. The learned Single Judge wanted to order deposit of ten lakhs, but on request from learned counsel for the appellant, the amount was reduced to 7.5 lakhs.

In these circumstances, no interference is called for in the order passed by the learned Single Judge. Appeal is accordingly

dismissed. However, we grant one month time from today to the appellant to pay the amount.

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(BILAL NAZKI, ACJ)

19th July 2005.

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(G.CHANDRAIAH, J)

ajr

To

1 The Authorised Officer, SAO, O/o the Assistant Provident Fund

Commissioner, Patancheruvu, Medak District.
2 The Assistant Provident Fund Commissioner, SAO, Patancheruvu, Medak

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3 M/s.Samrat Spinners Limited, Sebhashpally, Via Medchal, Medak District.

4 Two C.D. copies.